



Wildlife Briefing Note

NTI Request NWMB Modify or Remove the Total Allowable Harvest Level for Eastern Arctic Bowhead Whale, as per 5.6.16 of the Nunavut Land Claims Agreement

Background:

The present TAHs for Bowhead Whale are based on the 1999 DFO assessment of the North Hudson Bay/Fox Basin Population and the Davis Strait/Baffin Bay Population of Bowhead Whales for the Nunavut Settlement Area. These TAHs – One from the North Hudson Bay/Fox Basin Population every two years and one from the Davis Strait/Baffin Bay Population every 15 years– have not been modified since they were established.

The present TAHs are based on a combined total estimate of 345 whales, taking into account that Bowhead Whales were assessed as “endangered”.

DFO has completed Bowhead population surveys in the Nunavut Settlement Area from 2002 to 2004. DFO in cooperation with Greenland has also satellite tagged Bowheads to monitor the seasonal movements and stock identity of Bowhead Whales. This research confirms that there are an estimated 5016 Bowhead Whales present in these areas, in one population.

This recent scientific research has been considered by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) in the assessment of Bowhead Whales. COSEWIC has recommended that the status of Bowhead Whales be downgraded from “endangered” to “threatened” based on this new information.

DFO presented this research to The International Whaling Commission (IWC) in June 2006 and June 2007. IWC meeting 59 considered the recent scientific data and established a five year quota of two bowheads per year for Greenland.

DFO presented analysis of Bowhead Whale abundance and stock identity and interim advice regarding TAH of Bowhead Whales in January 2007 to the NWMB, pending expected endorsement of the results by the IWC. (Earlier – in October, 2005 - DFO had presented its 2002-2004 survey results to the NWMB.)

In summary, the current TAH levels assume that there are 345 Bowhead Whales in total in these areas and that they are endangered, whereas the recent research shows that the total population is approximately 15 times the size of the previous estimate, and the status of Bowhead Whales has been downgraded to threatened.

Despite these developments and the two years that have passed since DFO obtained its initial results, DFO has yet to propose any revision to the current TAHs on Bowhead Whales to the

NWMB. DFO appears to be concerned with national and international perceptions if the Minister is to approve an increased TAH for Bowhead Whales. There can be no other explanation for the delay. With respect, however, the NWMB and Minister should make their decisions based on fact rather than perception, according to the criteria in the Nunavut Land Claims Agreement (NLCA).

Bowhead Whales are recognized as a species of special importance in Article 5 of the NLCA. The Bowhead Whale is an important cultural resource to the Inuit of Nunavut. Inuit have been patiently waiting for an increase in the TAH of Bowhead Whales, which is understood by Inuit to be the recognition and acknowledgement of their traditional knowledge that was brought forward as the "Inuit Bowhead Knowledge Study".

The unnecessary delay in applying Inuit Qaujimajatuqangit and scientific information to modify or remove the TAH on Bowhead Whales is unnecessarily limiting Inuit harvesting. This delay is also jeopardizing Inuit harvesting, as this shared stock is being treated as underutilized, and allocations to other harvesters are being made and/or considered outside of the NSA. It is the Inuit of Nunavut that have identified the importance of Bowhead Whales and initiated the interest to prove that Bowhead Whale populations are healthy and vibrant.

Inuit have been asked by DFO to identify their "full level of needs" for Bowhead Whales, on the understanding that the TAH could be established to meet this need and the TAH would be less than the maximum sustainable yield of Bowhead Whales. However, if the reasonably foreseeable "full level of needs" for Inuit is substantially less than the maximum sustainable yield of the stock or population, then a TAH on the stock or population of that species is not justified under the NLCA. This is particularly so where, as in this case, the harvest is licensed, and monitoring concerns such as tracking struck losses can be met by licence conditions. If the NWMB or the Minister establishes a TAH for a stock or population, that it is done under the authority of 5.3.3 of the NLCA, and Inuit would have the right to harvest that species as per 5.6.3 of the NLCA.

Recommendation:

NTI recommends that the NWMB review both the Inuit Traditional Knowledge Study and the DFO submission "*DFO analysis of bowhead whale abundance and stock identity and interim advice regarding TAH of bowhead whales*" dated 8 January 2007. NTI requests that the NWMB then consider the modification or removal of the TAH on Bowhead Whales from the Eastern Canadian Arctic population, based on full considerations of Inuit Qaujimajatuqangit and scientific information. There are no legitimate reasons for delaying a decision on Bowhead Whales any longer.

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